

1 SB90
2 181788-2
3 By Senators Orr and Ward
4 RFD: Judiciary
5 First Read: 07-FEB-17

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to courts; to establish the Judicial
12 Resources Allocation Commission; to establish the criteria for
13 determining the need for increasing or decreasing the number
14 of judgeships in district courts and circuit courts; and to
15 authorize the Judicial Resources Allocation Commission to
16 reallocate judgeships based on such criteria.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. (a) A permanent study commission on the
19 judicial resources in Alabama is hereby created and shall be
20 known as the Judicial Resources Allocation Commission. The
21 Judicial Resources Allocation Commission shall be composed of
22 the following members:

23 (1) The Chief Justice of the Supreme Court of
24 Alabama, who shall serve as chair.

25 (2) The legal advisor to the Governor of Alabama.

26 (3) The Alabama Attorney General.

1 (4) Three incumbent circuit judges appointed by the
2 President of the Circuit Judges Association, one of whom shall
3 be from the most populous circuit. One member shall be
4 appointed for three years, one member shall be appointed for
5 four years, and one member shall be appointed for five years.
6 All appointments to fill vacancies shall be for the duration
7 of the unexpired term and subsequent appointments shall be for
8 five-year terms. Any member so appointed shall serve only so
9 long as they remain an incumbent circuit judge.

10 (5) Three incumbent district judges appointed by the
11 President of the District Judges Association, one of whom
12 shall be from a county without a dedicated circuit judge. One
13 member shall be appointed for three years, one member shall be
14 appointed for four years, and one member shall be appointed
15 for five years. All appointments to fill vacancies shall be
16 for the duration of the unexpired term and subsequent
17 appointments shall be for five-year terms. Any member so
18 appointed shall serve only so long as they remain an incumbent
19 district judge.

20 (6) Three licensed attorneys, two appointed by the
21 President of the Alabama State Bar and one appointed by the
22 President of the Alabama Lawyers Association. One member shall
23 be appointed for three years, one member shall be appointed
24 for four years, and one member shall be appointed for five
25 years. All appointments to fill vacancies shall be for the
26 duration of the unexpired term and subsequent appointments
27 shall be for five-year terms. Any member so appointed shall

1 serve only so long as they remain a member in good standing of
2 the Alabama State Bar.

3 (b) The membership of the Judicial Resources
4 Allocation Commission shall be inclusive and reflect the
5 racial, gender, geographic, urban/rural, and economic
6 diversity of the state. The appointing authorities must
7 coordinate together to achieve this diversity.

8 (c) A majority of the Commission shall constitute a
9 quorum for the transaction of business. The Commission shall
10 meet at least once annually beginning in the first quarter of
11 2018. The first committee meeting shall be set by Chief
12 Justice. Members shall serve without compensation.

13 (d) The Judicial Resources Allocation Commission
14 shall annually review the need for increasing or decreasing
15 the number of judgeships in each district court and circuit
16 court using the following criteria:

17 (1) Judicial Weighted Caseload Study, as adopted by
18 the Alabama Supreme Court;

19 (2) Population of the district or circuit as
20 determined on the basis of the most recent decennial census of
21 the United States or annual population estimates prepared by
22 the United States Bureau of the Census;

23 (3) Judicial duties in the district or circuit,
24 including consideration of those circuits which have
25 specialized divisions; and

1 (4) Uniformity in the calculation of how civil,
2 criminal, and domestic cases are accounted for between
3 circuits.

4 (5) Any other information deemed relevant by the
5 Judicial Resources Allocation Commission.

6 (e) Based on the criteria in subsection (d), the
7 Judicial Resources Allocation Commission shall annually
8 determine the need for increasing or decreasing judgeships in
9 the district and circuit courts and rank each court
10 accordingly. The Judicial Resources Allocation Commission
11 shall provide this list to the Governor and the Legislature no
12 later than 30 days after it is completed.

13 Section 2. (a) Only in the event of a vacancy due to
14 death, retirement, resignation, or removal from office of a
15 district or circuit judge, the Judicial Resources Allocation
16 Commission shall have 30 days to determine whether to
17 reallocate such judgeship to another district or circuit. The
18 Judicial Resources Allocation Commission may also choose to
19 reallocate a judgeship if the incumbent judge shall not be
20 eligible to run for reelection as a result of the age
21 limitation provided for in Section 155 of the Constitution of
22 Alabama 1901, as amended, by notifying the Secretary of State
23 no later than one year prior to the close of qualifying for
24 candidates to run for such judgeship. All reallocation
25 decisions require a two-thirds vote of the Judicial Resources
26 Allocation Commission members. In determining whether to
27 reallocate such judgeship, the Judicial Resources Allocation

1 Commission shall consider the need based on the district and
2 court rankings as determined pursuant to Section 1. However,
3 in no event shall the Judicial Resources Allocation Commission
4 reallocate a judgeship to another district or circuit if doing
5 so would cause the district or circuit from which the
6 judgeship was being removed to move into the ten counties in
7 most need of a district judge or the ten circuits, or
8 divisions thereof, in most need of a circuit judge based on
9 the rankings provided pursuant to Section 1. Additionally,
10 each county shall continue to have at least one district
11 judge.

12 (b) In the event the Judicial Resources Allocation
13 Commission chooses not to reallocate the vacant judgeship
14 within the 30 days prescribed in subsection (a), the vacancy
15 shall be filled according to law in the district or circuit in
16 which the judgeship is located.

17 (c) In the event the Judicial Resources Allocation
18 Commission chooses to reallocate the vacant judgeship within
19 the 30 days prescribed in subsection (a), the vacancy shall be
20 filled according to law for the district or circuit to which
21 the judgeship is reallocated. The person appointed to fill the
22 judgeship shall serve the required time period pursuant to law
23 before running for election, at which time the reallocated
24 judgeship shall be subject to election in the district or
25 circuit to which the judgeship was reallocated.

26 (d) Upon the reallocation of the judgeship, all
27 remaining judgeships in the district or circuit from which the

1 judgeship was reallocated shall be renumbered appropriately.
2 Additionally, the state resources allocated to fund such
3 judgeship shall continue to fund the judgeship in the district
4 or circuit to which it was reallocated.

5 (e) The Chair of the Judicial Resources Allocation
6 Commission shall keep a true record of all the proceedings of
7 the meetings of the Judicial Resources Allocation Commission.
8 At the call of any member the vote on any pending question
9 shall be taken by ayes and nays, and the same shall be entered
10 in such record, the records of the proceedings of the Judicial
11 Resources Allocation Commission shall be open to any member of
12 the Judicial Resources Allocation Commission and to the public
13 and a copy of such record, certified by the Chair, shall be
14 kept in the records of Judicial Allocation Resources
15 Commission maintained by the Chair.

16 Section 3. A district or circuit judge appointed to
17 a reallocated judgeship pursuant to this act shall have and
18 exercise all jurisdiction, power, rights, and authority and
19 shall possess all of the qualifications, perform all of the
20 duties, and shall be subject to all of the responsibilities
21 and duties of the office to which other district or circuit
22 judges are subject.

23 Section 4. The annual compensation of the circuit or
24 district judges appointed pursuant to this act shall be in
25 accordance with Chapter 10A of Title 12, Code of Alabama 1975.

26 Section 5. (a) No later than January 1, 2018, the
27 Alabama Supreme Court shall revise the factors considered in

1 the Judicial Weighted Caseload Study to uniformly, fairly, and
2 accurately account for criminal cases by counts brought
3 against a defendant.

4 (b) No judgeship shall be reallocated until three
5 years of data is available after the revision of the factors
6 considered in the Judicial Weighted Caseload Study as provided
7 in this section.

8 (c) No judicial circuit shall lose more than one
9 judgeship through allocation in a two year period.

10 Section 6. The Commission shall be subject to the
11 Alabama Open Meetings Act and the Alabama Open Records Act.

12 Section 7. All laws or parts of laws which conflict
13 with this act are hereby repealed.

14 Section 8. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 07-FEB-17

Read for the second time and placed on the calen-
dar 2 amendments..... 09-FEB-17

Read for the third time and passed as amended 14-FEB-17

Yeas 22
Nays 5

Patrick Harris
Secretary